

**REVENUE: No revenue impact**

**FISCAL: Fiscal statement issued**

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**Action:** Do Pass as Amended and Be Printed Engrossed

**Vote:** 4 - 1 - 0

**Yeas:** Bonamici, Morse, Shields, Hass

**Nays:** George

**Exc.:** 0

**Prepared By:** Linda Lindholm, Administrator

**Meeting Dates:** 3/3, 3/17

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**WHAT THE MEASURE DOES:** Provides that students who meet prescribed conditions stipulated in the measure are entitled to exemption from nonresident tuition and fees at state institutions of higher education. Allows challenge to the tuition equity law to be directly reviewed by Oregon Supreme Court.

**ISSUES DISCUSSED:**

- Constitutional obligation for every state to provide primary and secondary education to all children residing within its borders regardless of immigration status (Plyler v. Doe, U.S. Supreme Court decision)
- Tuition equity laws in other states and California Supreme Court 2010 decision upholding tuition equity
- Public policy of compulsory education extended and costs
- Protection of state investment made in students' primary and secondary education
- Immigration issues and reforms
- Personal circumstances, experiences, discrimination, justice and potential
- Levels of support from Oregon University System, Department of Education, business, labor and students

**EFFECT OF COMMITTEE AMENDMENT:** Requires qualified student to file an affidavit with school affirming that the student has filed an application or will file an application to legalize immigration status. Requires student to have resided in the United States and attended school for five years, with the three years immediately preceding in Oregon, in order to be exempt from non-resident tuition.

**BACKGROUND:** The United States Supreme Court (Plyler v. Doe decision based on the 14<sup>th</sup> amendment to the Constitution) determined that every state has a constitutional obligation to provide free public primary and secondary education to all children residing within its borders regardless of their immigration status. Federal standards imposed on elementary and secondary education institutions entail a federal commitment to education, including meaningful access to higher education. Currently, an Oregon resident high school student, who is not a citizen or the child of a citizen of the United States, pays out-of-state tuition rates and is ineligible for federal financial aid.

Eleven other states have enacted tuition equity legislation (Texas, Oklahoma, Nebraska, Wisconsin, Washington, New Mexico, Utah, New York, Kansas, California and Illinois). Similar legislation providing in-state tuition to immigrants who have attended high school in the state is pending in Florida, Hawaii, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, North Carolina, South Carolina, Tennessee and Virginia. In December, 2010, the California Supreme Court upheld California's tuition equity law.

Senate Bill 742A allows the Oregon University System to consider qualified immigrant students as state residents for tuition purposes. Tuition equity allows qualified students who meet the following requirements to pay in-state tuition at Oregon University System schools: Residence in the country and school attendance the prior five years; attendance at an Oregon high school for at least three consecutive years; graduation from an Oregon high school within three years of higher education enrollment; admission to an Oregon University System institution; filed affidavit at school showing intention to become a citizen or lawful permanent resident of the United States.

3/24/2011 8:55:00 AM

***This summary has not been adopted or officially endorsed by action of the committee.***